

FIRST REGULAR SESSION

# HOUSE BILL NO. 931

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (50).

2097L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 302.302, 476.385, and 577.041, RSMo, and 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seven new sections relating to alcohol-related traffic offenses, with penalty provisions and an emergency clause.

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EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 302.302, 476.385, and 577.041, RSMo, and 302.060 as enacted by  
2 conference committee substitute for senate substitute for senate committee substitute for house  
3 committee substitute for house bill no. 1402, merged with conference committee substitute for  
4 house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-  
5 sixth general assembly, second regular session, and section 302.060 as enacted by conference  
6 committee substitute for senate substitute for senate committee substitute for house committee  
7 substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and  
8 section 302.304 as enacted by conference committee substitute for house committee substitute  
9 no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly,  
10 second regular session, and section 302.304 as enacted by conference committee substitute for  
11 house committee substitute for senate committee substitute for senate bills nos. 930 & 947,  
12 ninety-fourth general assembly, second regular session, and section 302.309 as enacted by  
13 conference committee substitute for senate substitute for senate committee substitute for house  
14 committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular  
15 session, and section 302.309 as enacted by conference committee substitute for house committee  
16 substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general  
17 assembly, second regular session, and section 302.525 as enacted by conference committee  
18 substitute for house committee substitute no. 2 for senate committee substitute for senate bill no.  
19 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by  
20 conference committee substitute for house committee substitute for senate committee substitute  
21 for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, are  
22 repealed and seven new sections enacted in lieu thereof, to be known as sections 302.060,  
23 302.302, 302.304, 302.309, 302.525, 476.385, and 577.041, to read as follows:

302.060. 1. The director shall not issue any license and shall immediately deny any  
2 driving privilege:  
3       (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;  
5       (2) To any person who is under the age of sixteen years, except as hereinafter provided;  
6       (3) To any person whose license has been suspended, during such suspension, or to any  
7 person whose license has been revoked, until the expiration of one year after such license was  
8 revoked;  
9       (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;  
10       (5) To any person who has previously been adjudged to be incapacitated and who at the  
11 time of application has not been restored to partial capacity;  
12       (6) To any person who, when required by this law to take an examination, has failed to  
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in  
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,  
16 as defined in section 303.120, has been established;

17 (8) To any person whose application shows that the person has been convicted within  
18 one year prior to such application of violating the laws of this state relating to failure to stop after  
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a  
22 county or municipal ordinance where the defendant was represented by or waived the right to an  
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
24 years from the date of conviction of the last offense of violating such law or ordinance relating  
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
26 county in which such last conviction was rendered and the court shall review the person's habits  
27 and conduct since such conviction, including the results of a criminal history check as defined  
28 in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or  
29 been found guilty of, and has no pending charges for any offense related to alcohol, controlled  
30 substances or drugs and has no other alcohol-related enforcement contacts as defined in section  
31 302.525 during the preceding ten years and that the petitioner's habits and conduct show such  
32 petitioner to no longer pose a threat to the public safety of this state, the court may order the  
33 director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the  
34 provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the  
35 provisions of this subdivision through court action more than one time;

36 (10) To any person who has pled guilty to or been convicted of the crime of involuntary  
37 manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who  
38 has been convicted twice within a five-year period of violating state law, county or municipal  
39 ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined  
40 in section 577.023, except that, after the expiration of five years from the date of conviction of  
41 the last offense of violating such law or ordinance, a person who was so convicted may petition  
42 the circuit court of the county in which such last conviction was rendered and the court shall  
43 review the person's habits and conduct since such conviction, including the results of a criminal  
44 history check as defined in section 302.010. If the court finds that the petitioner has not been  
45 convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense  
46 related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement  
47 contacts as defined in section 302.525 during the preceding five years, and that the petitioner's  
48 habits and conduct show such petitioner to no longer pose a threat to the public safety of this  
49 state, the court [may] **shall** order the director to issue a license to the petitioner if the petitioner  
50 is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

51 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
52 302.010 to 302.780, chapter 303, or section 544.046;

53           (12) To any person who is under the age of eighteen years, if such person's parents or  
54 legal guardians file a certified document with the department of revenue stating that the director  
55 shall not issue such person a driver's license. Each document filed by the person's parents or  
56 legal guardians shall be made upon a form furnished by the director and shall include identifying  
57 information of the person for whom the parents or legal guardians are denying the driver's  
58 license. The document shall also contain identifying information of the person's parents or legal  
59 guardians. The document shall be certified by the parents or legal guardians to be true and  
60 correct. This provision shall not apply to any person who is legally emancipated. The parents  
61 or legal guardians may later file an additional document with the department of revenue which  
62 reinstates the person's ability to receive a driver's license.

63           2. Any person whose license is reinstated under the provisions of [subdivisions (9) and  
64 (10)] **subdivision (9) or (10)** of subsection 1 of this section shall be required to file proof with  
65 the director of revenue that any motor vehicle operated by the person is equipped with a  
66 functioning, certified ignition interlock device as a required condition of reinstatement. The  
67 ignition interlock device required for reinstatement under this subsection and for obtaining a  
68 limited driving privilege under [paragraph (a) or (b) of] subdivision (8) of subsection 3 of section  
69 302.309 shall have photo identification technology and global positioning system features. The  
70 ignition interlock device shall further be required to be maintained on all motor vehicles operated  
71 by the person for a period of not less than six months immediately following the date of  
72 reinstatement. If the monthly monitoring reports show that the ignition interlock device has  
73 registered any confirmed blood alcohol concentration readings above the alcohol setpoint  
74 established by the department of transportation or that the person has tampered with or  
75 circumvented the ignition interlock device, then the period for which the person must maintain  
76 the ignition interlock device following the date of reinstatement shall be extended for an  
77 additional six months. If the person fails to maintain such proof with the director, the license  
78 shall be suspended for the remainder of the six-month period or until proof as required by this  
79 section is filed with the director. Upon the completion of the six-month period, the license shall  
80 be shown as reinstated, if the person is otherwise eligible.

81           3. Any person who petitions the court for reinstatement of his or her license pursuant to  
82 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri  
83 state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints  
84 collected pursuant to standards as determined by the highway patrol. One set of fingerprints  
85 shall be used by the highway patrol to search the criminal history repository and the second set  
86 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal  
87 history files. At the time of application, the applicant shall supply to the highway patrol the court  
88 name and case number for the court where he or she has filed his or her petition for  
89 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to  
90 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for  
91 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of

92 the criminal history check, shall forward a copy of the results to the circuit court designated by  
93 the applicant and to the department. Notwithstanding the provisions of section 610.120, all  
94 records related to any criminal history check shall be accessible and available to the director and  
95 the court.

[302.060. 1. The director shall not issue any license and shall  
2 immediately deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person  
4 operates a motor vehicle in the transportation of persons or property as classified  
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as  
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such  
9 suspension, or to any person whose license has been revoked, until the expiration  
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use  
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated  
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,  
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,  
18 as defined in chapter 303, until such judgment has been satisfied or the financial  
19 responsibility of such person, as defined in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been  
21 convicted within one year prior to such application of violating the laws of this  
22 state relating to failure to stop after an accident and to disclose the person's  
23 identity or driving a motor vehicle without the owner's consent;

24 (9) To any person who has been convicted more than twice of violating  
25 state law, or a county or municipal ordinance where the defendant was  
26 represented by or waived the right to an attorney in writing, relating to driving  
27 while intoxicated; except that, after the expiration of ten years from the date of  
28 conviction of the last offense of violating such law or ordinance relating to  
29 driving while intoxicated, a person who was so convicted may petition the circuit  
30 court of the county in which such last conviction was rendered and the court shall  
31 review the person's habits and conduct since such conviction, including the  
32 results of a criminal history check as defined in section 302.010. If the court  
33 finds that the petitioner has not been convicted, pled guilty to or been found  
34 guilty of, and has no pending charges for any offense related to alcohol,  
35 controlled substances or drugs and has no other alcohol-related enforcement  
36 contacts as defined in section 302.525 during the preceding ten years and that the  
37 petitioner's habits and conduct show such petitioner to no longer pose a threat to  
38 the public safety of this state, the court may order the director to issue a license  
39 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions  
40 of sections 302.010 to 302.540. No person may obtain a license pursuant to the  
41 provisions of this subdivision through court action more than one time;

42 (10) To any person who has pled guilty to or been convicted of the crime  
43 of involuntary manslaughter while operating a motor vehicle in an intoxicated  
44 condition, or to any person who has been convicted twice within a five-year  
45 period of violating state law, county or municipal ordinance of driving while  
46 intoxicated, or any other intoxication-related traffic offense as defined in section  
47 577.023, except that, after the expiration of five years from the date of conviction  
48 of the last offense of violating such law or ordinance, a person who was so  
49 convicted may petition the circuit court of the county in which such last  
50 conviction was rendered and the court shall review the person's habits and  
51 conduct since such conviction, including the results of a criminal history check  
52 as defined in section 302.010. If the court finds that the petitioner has not been  
53 convicted, pled guilty to, or been found guilty of, and has no pending charges for  
54 any offense related to alcohol, controlled substances, or drugs and has no other  
55 alcohol-related enforcement contacts as defined in section 302.525 during the  
56 preceding five years, and that the petitioner's habits and conduct show such  
57 petitioner to no longer pose a threat to the public safety of this state, the court  
58 may order the director to issue a license to the petitioner if the petitioner is  
59 otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

60 (11) To any person who is otherwise disqualified pursuant to the  
61 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

62 (12) To any person who is under the age of eighteen years, if such  
63 person's parents or legal guardians file a certified document with the department  
64 of revenue stating that the director shall not issue such person a driver's license.  
65 Each document filed by the person's parents or legal guardians shall be made  
66 upon a form furnished by the director and shall include identifying information  
67 of the person for whom the parents or legal guardians are denying the driver's  
68 license. The document shall also contain identifying information of the person's  
69 parents or legal guardians. The document shall be certified by the parents or legal  
70 guardians to be true and correct. This provision shall not apply to any person  
71 who is legally emancipated. The parents or legal guardians may later file an  
72 additional document with the department of revenue which reinstates the person's  
73 ability to receive a driver's license.

74 2. Any person whose license is reinstated under the provisions of  
75 subdivisions (9) and (10) of subsection 1 of this section shall be required to file  
76 proof with the director of revenue that any motor vehicle operated by the person  
77 is equipped with a functioning, certified ignition interlock device as a required  
78 condition of reinstatement. The ignition interlock device shall further be required  
79 to be maintained on all motor vehicles operated by the person for a period of not  
80 less than six months immediately following the date of reinstatement. If the  
81 person fails to maintain such proof with the director, the license shall be  
82 suspended for the remainder of the six-month period or until proof as required by  
83 this section is filed with the director. Upon the completion of the six-month  
84 period, the license shall be shown as reinstated, if the person is otherwise eligible.

85 3. Any person who petitions the court for reinstatement of his or her  
86 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall  
87 make application with the Missouri state highway patrol as provided in section  
88 43.540, and shall submit two sets of fingerprints collected pursuant to standards

89 as determined by the highway patrol. One set of fingerprints shall be used by the  
90 highway patrol to search the criminal history repository and the second set shall  
91 be forwarded to the Federal Bureau of Investigation for searching the federal  
92 criminal history files. At the time of application, the applicant shall supply to the  
93 highway patrol the court name and case number for the court where he or she has  
94 filed his or her petition for reinstatement. The applicant shall pay the fee for the  
95 state criminal history check pursuant to section 43.530 and pay the appropriate  
96 fee determined by the Federal Bureau of Investigation for the federal criminal  
97 history record. The Missouri highway patrol, upon receipt of the results of the  
98 criminal history check, shall forward a copy of the results to the circuit court  
99 designated by the applicant and to the department. Notwithstanding the  
100 provisions of section 610.120, all records related to any criminal history check  
101 shall be accessible and available to the director and the court.]  
102

302.302. 1. The director of revenue shall put into effect a point system for the  
2 suspension and revocation of licenses. Points shall be assessed only after a conviction or  
3 forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state law or county or municipal or federal traffic  
5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment  
6 provisions or a court-ordered supervision as provided in section 302.303. . . . . 2 points  
7 (except any violation of municipal stop sign ordinance where no accident  
8 is involved... . . . . . 1 point)

9 (2) Speeding  
10 In violation of a state law... . . . . 3 points  
11 In violation of a county or municipal ordinance. . . . . 2 points

12 (3) Leaving the scene of an accident in violation of section 577.060... . . 12 points  
13 In violation of any county or municipal ordinance. . . . . 6 points

14 (4) Careless and imprudent driving in violation of subsection 4 of  
15 section 304.016. . . . . 4 points  
16 In violation of a county or municipal ordinance. . . . . 2 points

17 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection  
18 1 of section 302.020:

19 (a) For the first conviction. . . . . 2 points

20 (b) For the second conviction. . . . . 4 points

21 (c) For the third conviction. . . . . 6 points

22 (6) Operating with a suspended or revoked license prior to restoration of operating  
23 privileges. . . . . 12 points

24 (7) Obtaining a license by misrepresentation. . . . . 12 points

25 (8) For the first conviction of driving while in an intoxicated condition or under the  
26 influence of controlled substances or drugs... . . 8 points

27 (9) For the second or subsequent conviction of any of the following offenses however  
28 combined: driving while in an intoxicated condition, driving under the influence of controlled

29 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent  
30 or more by weight. . . . . 12 points  
31 (10) For the first conviction for driving with blood alcohol content eight-hundredths of  
32 one percent or more by weight  
33 In violation of state law. . . . . 8 points  
34 In violation of a county or municipal ordinance or federal law or regulation. . . . . 8 points  
35 (11) Any felony involving the use of a motor vehicle. . . . . 12 points  
36 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . . 4 points  
37 (13) For a conviction for failure to maintain financial responsibility pursuant to county  
38 or municipal ordinance or pursuant to section 303.025. . . . . 4 points  
39 (14) Endangerment of a highway worker in violation of section 304.585. . . . 4 points  
40 (15) Aggravated endangerment of a highway worker in violation of  
41 section 304.585. . . . . 12 points  
42 (16) For a conviction of violating a municipal ordinance that prohibits tow truck  
43 operators from stopping at or proceeding to the scene of an accident unless they have been  
44 requested to stop or proceed to such scene by a party involved in such accident or by an officer  
45 of a public safety agency. . . . . 4 points  
46 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
47 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
48 302.020, when the director issues such operator a license or permit pursuant to the provisions  
49 of sections 302.010 to 302.340.  
50 3. An additional two points shall be assessed when personal injury or property damage  
51 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if  
52 found to be warranted and certified by the reporting court.  
53 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
54 section constitutes both a violation of a state law and a violation of a county or municipal  
55 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
56 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
57 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
58 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
59 offenses arising out of the same occurrence.  
60 5. The director of revenue shall put into effect a system for staying the assessment of  
61 points against an operator. The system shall provide that the satisfactory completion of a  
62 driver-improvement program or, in the case of violations committed while operating a  
63 motorcycle, a motorcycle-rider training course approved by the state highways and transportation  
64 commission, by an operator, when so ordered and verified by any court having jurisdiction over  
65 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
66 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation  
67 committed by an individual who has been issued a commercial driver's license or is required to



68 obtain a commercial driver's license in this state or any other state, shall be accepted by the  
69 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)  
70 of subsection 1 of this section or pursuant to subsection 3 of this section. **The operator shall**  
71 **be given the option to complete the driver-improvement program through an online or in-**  
72 **person course.** A court using a centralized violation bureau established under section 476.385  
73 may elect to have the bureau order and verify completion of a driver-improvement program or  
74 motorcycle-rider training course as prescribed by order of the court. For the purposes of this  
75 subsection, the driver-improvement program shall meet or exceed the standards of the National  
76 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which  
77 occurred during the operation of a motorcycle, the program shall meet the standards established  
78 by the state highways and transportation commission pursuant to sections 302.133 to 302.137.  
79 The completion of a driver-improvement program or a motorcycle-rider training course shall not  
80 be accepted in lieu of points more than one time in any thirty-six-month period and shall be  
81 completed within sixty days of the date of conviction in order to be accepted in lieu of the  
82 assessment of points. Every court having jurisdiction pursuant to the provisions of this  
83 subsection shall, within fifteen days after completion of the driver-improvement program or  
84 motorcycle-rider training course by an operator, forward a record of the completion to the  
85 director, all other provisions of the law to the contrary notwithstanding. The director shall  
86 establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value  
2 charged against the operator's record when the record shows four or more points have been  
3 accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under this section  
5 points shall be accumulated on the date of conviction. No case file of any conviction for a  
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed  
7 until such time as a copy of the record of such conviction is forwarded to the department of  
8 revenue.

9 3. The director shall suspend the license and driving privileges of any person whose  
10 driving record shows the driver has accumulated eight points in eighteen months.

11 4. The license and driving privilege of any person whose license and driving privilege  
12 have been suspended under the provisions of sections 302.010 to 302.540 except those persons  
13 whose license and driving privilege have been suspended under the provisions of subdivision (8)  
14 of subsection 1 of section 302.302 or has accumulated sufficient points together with a  
15 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of  
16 financial responsibility with the department of revenue, in accordance with chapter 303, and is  
17 otherwise eligible, shall be reinstated as follows:

18 (1) In the case of an initial suspension, thirty days after the effective date of the  
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the  
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective  
23 date of the suspension.

24 Unless proof of financial responsibility is filed with the department of revenue, a suspension  
25 shall continue in effect for two years from its effective date.

26 5. The period of suspension of the driver's license and driving privilege of any person  
27 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has  
28 accumulated sufficient points together with a conviction under subdivision (10) of subsection  
29 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
30 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
31 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
32 responsibility with the department of revenue, in accordance with chapter 303, the license and  
33 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this  
34 subsection, files proof of installation with the department of revenue that any vehicle operated  
35 by such person is equipped with a functioning, certified ignition interlock device, [then the]  
36 **there shall be no** period of suspension [shall be fifteen days, followed by a seventy-five] .  
37 **However, in lieu of a suspension the person shall instead complete a ninety-day** period of  
38 restricted driving privilege. If the person fails to maintain such proof of the device with the  
39 director of revenue as required, the restricted driving privilege shall be terminated. Upon  
40 completion of such [seventy-five day] **ninety-day** period of restricted driving privilege, upon  
41 compliance with other requirements of law, and upon filing of proof of financial responsibility  
42 with the department of revenue, in accordance with chapter 303, the license and driving privilege  
43 shall be reinstated. However, if the monthly monitoring reports during such [seventy-five day]  
44 **ninety-day** period indicate that the ignition interlock device has registered a **confirmed** blood  
45 alcohol concentration level above the alcohol setpoint established by the department of  
46 transportation or such reports indicate that the ignition interlock device has been tampered with  
47 or circumvented, then the license and driving privilege of such person shall not be reinstated  
48 until the person completes an additional [seventy-five day] **thirty-day** period of restricted  
49 driving privilege without any such violations. **Only one such additional thirty-day period of**  
50 **restricted driving privilege shall be granted.**

51 6. If the person fails to maintain proof of financial responsibility in accordance with  
52 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is  
53 equipped with a functioning, certified ignition interlock device installed pursuant to subsection  
54 5 of this section, the person's driving privilege and license shall be resuspended.

55 7. The director shall revoke the license and driving privilege of any person when the  
56 person's driving record shows such person has accumulated twelve points in twelve months or  
57 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
58 period of any person whose license and driving privilege have been revoked under the provisions

59 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
60 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
61 terminated by a notice from the director of revenue after one year from the effective date of the  
62 revocation. Unless proof of financial responsibility is filed with the department of revenue,  
63 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for  
64 a period of two years from its effective date. If the person fails to maintain proof of financial  
65 responsibility in accordance with chapter 303, the person's license and driving privilege shall be  
66 rerevoked. Any person whose license and driving privilege have been revoked under the  
67 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the  
68 revocation from the director, pass the complete driver examination and apply for a new license  
69 before again operating a motor vehicle upon the highways of this state.

70 8. If, prior to conviction for an offense that would require suspension or revocation of  
71 a person's license under the provisions of this section, the person's total points accumulated are  
72 reduced, pursuant to the provisions of section 302.306, below the number of points required for  
73 suspension or revocation pursuant to the provisions of this section, then the person's license shall  
74 not be suspended or revoked until the necessary points are again obtained and accumulated.

75 9. If any person shall neglect or refuse to surrender the person's license, as provided  
76 herein, the director shall direct the state highway patrol or any peace or police officer to secure  
77 possession thereof and return it to the director.

78 10. Upon the issuance of a reinstatement or termination notice after a suspension or  
79 revocation of any person's license and driving privilege under the provisions of sections 302.010  
80 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
81 of any person serving as a member of the Armed Forces of the United States outside the limits  
82 of the United States during a period of suspension or revocation shall be reduced to zero upon  
83 the date of the reinstatement or termination of notice. It shall be the responsibility of such  
84 member of the Armed Forces to submit copies of official orders to the director of revenue to  
85 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the  
86 contrary notwithstanding, the effective date of the four points remaining on the record upon  
87 reinstatement or termination shall be the date of the reinstatement or termination notice.

88 11. No credit toward reduction of points shall be given during periods of suspension or  
89 revocation or any period of driving under a limited driving privilege granted by a court or the  
90 director of revenue.

91 12. Any person or nonresident whose license or privilege to operate a motor vehicle in  
92 this state has been suspended or revoked under this or any other law shall, before having the  
93 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee  
94 of twenty dollars which shall be in addition to all other fees provided by law.

95 13. Notwithstanding any other provision of law to the contrary, if after two years from  
96 the effective date of any suspension or revocation issued under this chapter, the person or

97 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such  
98 license or privilege to operate a motor vehicle in this state.

99       14. No person who has had a license to operate a motor vehicle suspended or revoked  
100 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of  
101 subsection 1 of section 302.302 shall have that license reinstated until such person has  
102 participated in and successfully completed a substance abuse traffic offender program defined  
103 in section 302.010, or a program determined to be comparable by the department of mental  
104 health. Assignment recommendations, based upon the needs assessment as described in  
105 subdivision [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with  
106 written notice that the person is entitled to have such assignment recommendations reviewed by  
107 the court if the person objects to the recommendations. The person may file a motion in the  
108 associate division of the circuit court of the county in which such assignment was given, on a  
109 printed form provided by the state courts administrator, to have the court hear and determine  
110 such motion pursuant to the provisions of chapter 517. The motion shall name the person or  
111 entity making the needs assessment as the respondent and a copy of the motion shall be served  
112 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may  
113 modify or waive any assignment recommendation that the court determines to be unwarranted  
114 based upon a review of the needs assessment, the person's driving record, the circumstances  
115 surrounding the offense, and the likelihood of the person committing a like offense in the future,  
116 except that the court may modify but may not waive the assignment to an education or  
117 rehabilitation program of a person determined to be a prior or persistent offender as defined in  
118 section 577.023 or of a person determined to have operated a motor vehicle with  
119 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
120 the court determination of the motion shall satisfy the provisions of this section for the purpose  
121 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
122 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
123 directed by the court.

124       15. The fees for the program authorized in subsection 14 of this section, or a portion  
125 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
126 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
127 charged for the program, a supplemental fee in an amount to be determined by the department  
128 of mental health for the purposes of funding the substance abuse traffic offender program defined  
129 in section 302.010 and section 577.001 or a program determined to be comparable by the  
130 department of mental health. The administrator of the program shall remit to the division of  
131 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each  
132 month the supplemental fee for all persons enrolled in the program, less two percent for  
133 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees  
134 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not  
135 to exceed the annual rate established pursuant to the provisions of section 32.065, plus three

136 percentage points. The supplemental fees and any interest received by the department of mental  
137 health pursuant to this section shall be deposited in the mental health earnings fund which is  
138 created in section 630.053.

139 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
140 department of mental health the supplemental fees and interest for all persons enrolled in the  
141 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
142 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
143 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
144 department of mental health within six months of the due date, the attorney general of the state  
145 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
146 The court shall assess attorney fees and court costs against any delinquent program.

147 17. Any person who has had a license to operate a motor vehicle suspended or revoked  
148 as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of  
149 section 302.302 shall be required to file proof with the director of revenue that any motor vehicle  
150 operated by the person is equipped with a functioning, certified ignition interlock device as a  
151 required condition of reinstatement of the license. The ignition interlock device shall further be  
152 required to be maintained on all motor vehicles operated by the person for a period of not less  
153 than six months immediately following the date of reinstatement. If the monthly monitoring  
154 reports show that the ignition interlock device has registered any confirmed blood alcohol  
155 concentration readings above the alcohol setpoint established by the department of transportation  
156 or that the person has tampered with or circumvented the ignition interlock device, then the  
157 period for which the person must maintain the ignition interlock device following the date of  
158 reinstatement shall be extended for an additional six months. If the person fails to maintain such  
159 proof with the director, the license shall be resuspended or revoked and the person shall be guilty  
160 of a class A misdemeanor.

2 [302.304. 1. The director shall notify by ordinary mail any operator of  
3 the point value charged against the operator's record when the record shows four  
4 or more points have been accumulated in a twelve-month period.

5 2. In an action to suspend or revoke a license or driving privilege under  
6 this section points shall be accumulated on the date of conviction. No case file  
7 of any conviction for a driving violation for which points may be assessed  
8 pursuant to section 302.302 may be closed until such time as a copy of the record  
9 of such conviction is forwarded to the department of revenue.

10 3. The director shall suspend the license and driving privileges of any  
11 person whose driving record shows the driver has accumulated eight points in  
12 eighteen months.

13 4. The license and driving privilege of any person whose license and  
14 driving privilege have been suspended under the provisions of sections 302.010  
15 to 302.540 except those persons whose license and driving privilege have been  
16 suspended under the provisions of subdivision (8) of subsection 1 of section  
17 302.302 or has accumulated sufficient points together with a conviction under  
subdivision (10) of subsection 1 of section 302.302 and who has filed proof of

18 financial responsibility with the department of revenue, in accordance with  
19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date  
21 of the suspension;

22 (2) In the case of a second suspension, sixty days after the effective date  
23 of the suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after  
25 the effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,  
27 a suspension shall continue in effect for two years from its effective date.

28 5. The period of suspension of the driver's license and driving privilege  
29 of any person under the provisions of subdivision (8) of subsection 1 of section  
30 302.302 or who has accumulated sufficient points together with a conviction  
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,  
32 followed by a sixty-day period of restricted driving privilege as defined in section  
33 302.010. Upon completion of such period of restricted driving privilege, upon  
34 compliance with other requirements of law and upon filing of proof of financial  
35 responsibility with the department of revenue, in accordance with chapter 303,  
36 the license and driving privilege shall be reinstated.

37 6. If the person fails to maintain proof of financial responsibility in  
38 accordance with chapter 303, the person's driving privilege and license shall be  
39 resuspended.

40 7. The director shall revoke the license and driving privilege of any  
41 person when the person's driving record shows such person has accumulated  
42 twelve points in twelve months or eighteen points in twenty-four months or  
43 twenty-four points in thirty-six months. The revocation period of any person  
44 whose license and driving privilege have been revoked under the provisions of  
45 sections 302.010 to 302.540 and who has filed proof of financial responsibility  
46 with the department of revenue in accordance with chapter 303 and is otherwise  
47 eligible, shall be terminated by a notice from the director of revenue after one  
48 year from the effective date of the revocation. Unless proof of financial  
49 responsibility is filed with the department of revenue, except as provided in  
50 subsection 2 of section 302.541, the revocation shall remain in effect for a period  
51 of two years from its effective date. If the person fails to maintain proof of  
52 financial responsibility in accordance with chapter 303, the person's license and  
53 driving privilege shall be rerevoked. Any person whose license and driving  
54 privilege have been revoked under the provisions of sections 302.010 to 302.540  
55 shall, upon receipt of the notice of termination of the revocation from the  
56 director, pass the complete driver examination and apply for a new license before  
57 again operating a motor vehicle upon the highways of this state.

58 8. If, prior to conviction for an offense that would require suspension or  
59 revocation of a person's license under the provisions of this section, the person's  
60 total points accumulated are reduced, pursuant to the provisions of section  
61 302.306, below the number of points required for suspension or revocation  
62 pursuant to the provisions of this section, then the person's license shall not be  
63 suspended or revoked until the necessary points are again obtained and  
64 accumulated.

65           9. If any person shall neglect or refuse to surrender the person's license,  
66 as provided herein, the director shall direct the state highway patrol or any peace  
67 or police officer to secure possession thereof and return it to the director.

68           10. Upon the issuance of a reinstatement or termination notice after a  
69 suspension or revocation of any person's license and driving privilege under the  
70 provisions of sections 302.010 to 302.540, the accumulated point value shall be  
71 reduced to four points, except that the points of any person serving as a member  
72 of the Armed Forces of the United States outside the limits of the United States  
73 during a period of suspension or revocation shall be reduced to zero upon the date  
74 of the reinstatement or termination of notice. It shall be the responsibility of such  
75 member of the Armed Forces to submit copies of official orders to the director  
76 of revenue to substantiate such overseas service. Any other provision of sections  
77 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four  
78 points remaining on the record upon reinstatement or termination shall be the  
79 date of the reinstatement or termination notice.

80           11. No credit toward reduction of points shall be given during periods of  
81 suspension or revocation or any period of driving under a limited driving  
82 privilege granted by a court or the director of revenue.

83           12. Any person or nonresident whose license or privilege to operate a  
84 motor vehicle in this state has been suspended or revoked under this or any other  
85 law shall, before having the license or privilege to operate a motor vehicle  
86 reinstated, pay to the director a reinstatement fee of twenty dollars which shall be  
87 in addition to all other fees provided by law.

88           13. Notwithstanding any other provision of law to the contrary, if after  
89 two years from the effective date of any suspension or revocation issued under  
90 this chapter, the person or nonresident has not paid the reinstatement fee of  
91 twenty dollars, the director shall reinstate such license or privilege to operate a  
92 motor vehicle in this state.

93           14. No person who has had a license to operate a motor vehicle  
94 suspended or revoked as a result of an assessment of points for a violation under  
95 subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that  
96 license reinstated until such person has participated in and successfully  
97 completed a substance abuse traffic offender program defined in section 302.010,  
98 or a program determined to be comparable by the department of mental health.  
99 Assignment recommendations, based upon the needs assessment as described in  
100 subdivision (22) of section 302.010, shall be delivered in writing to the person  
101 with written notice that the person is entitled to have such assignment  
102 recommendations reviewed by the court if the person objects to the  
103 recommendations. The person may file a motion in the associate division of the  
104 circuit court of the county in which such assignment was given, on a printed form  
105 provided by the state courts administrator, to have the court hear and determine  
106 such motion pursuant to the provisions of chapter 517. The motion shall name  
107 the person or entity making the needs assessment as the respondent and a copy  
108 of the motion shall be served upon the respondent in any manner allowed by law.  
109 Upon hearing the motion, the court may modify or waive any assignment  
110 recommendation that the court determines to be unwarranted based upon a review  
111 of the needs assessment, the person's driving record, the circumstances

surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the



license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.]

[302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;

the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When

operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

91 (e) Due to a revocation for the first time for failure to submit to a  
92 chemical test pursuant to section 577.041 or due to a refusal to submit to a  
93 chemical test in any other state, if such person has not completed the first ninety  
94 days of such revocation;

95 (f) Violation more than once of the provisions of section 577.041 or a  
96 similar implied consent law of any other state; or

97 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and  
98 who has not completed the first thirty days of such suspension, provided the  
99 person is not otherwise ineligible for a limited driving privilege; or due to a  
100 revocation pursuant to subsection 2 of section 302.525 if such person has not  
101 completed such revocation.

102 (7) No person who possesses a commercial driver's license shall receive  
103 a limited driving privilege issued for the purpose of operating a commercial  
104 motor vehicle if such person's driving privilege is suspended, revoked, cancelled,  
105 denied, or disqualified. Nothing in this section shall prohibit the issuance of a  
106 limited driving privilege for the purpose of operating a noncommercial motor  
107 vehicle provided that pursuant to the provisions of this section, the applicant is  
108 not otherwise ineligible for a limited driving privilege.

109 (8) (a) Provided that pursuant to the provisions of this section, the  
110 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
111 or the director may, in the manner prescribed in this subsection, allow a person  
112 who has had such person's license to operate a motor vehicle revoked where that  
113 person cannot obtain a new license for a period of ten years, as prescribed in  
114 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving  
115 privilege pursuant to this subsection if such person has served at least three years  
116 of such disqualification or revocation. Such person shall present evidence  
117 satisfactory to the court or the director that such person has not been convicted  
118 of any offense related to alcohol, controlled substances or drugs during the  
119 preceding three years and that the person's habits and conduct show that the  
120 person no longer poses a threat to the public safety of this state. The court or the  
121 director shall review the results of a criminal history check prior to granting any  
122 limited privilege under this subdivision. If the court or the director finds that the  
123 petitioner has been convicted, pled guilty to, or been found guilty of, or has a  
124 pending charge for any offense related to alcohol, controlled substances, or drugs,  
125 or has any other alcohol-related enforcement contact as defined in section  
126 302.525 during the preceding three years, the court or the director shall not grant  
127 a limited driving privilege to the applicant.

128 (b) Provided that pursuant to the provisions of this section, the applicant  
129 is not otherwise ineligible for a limited driving privilege or convicted of  
130 involuntary manslaughter while operating a motor vehicle in an intoxicated  
131 condition, a circuit court or the director may, in the manner prescribed in this  
132 subsection, allow a person who has had such person's license to operate a motor  
133 vehicle revoked where that person cannot obtain a new license for a period of  
134 five years because of two convictions of driving while intoxicated, as prescribed  
135 in subdivision (10) of subsection 1 of section 302.060, to apply for a limited  
136 driving privilege pursuant to this subsection if such person has served at least two  
137 years of such disqualification or revocation. Such person shall present evidence

satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. The court or the director shall review the results of a criminal history check prior to granting any limited privilege under this subdivision. If the court or director finds that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a pending charge for any offense related to alcohol, controlled substances, or drugs, or has any other alcohol-related enforcement contact as defined in section 302.525 during the preceding two years, the court or the director shall not grant a limited driving privilege to the applicant. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. Any person who petitions a court or makes application with the director for a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of subsection 3 of this section shall make application with the Missouri state highway patrol as provided in section 43.540 and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for limited driving privileges. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

184           6. The director of revenue shall promulgate rules and regulations  
185 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
186 as that term is defined in section 536.010, that is created under the authority  
187 delegated in this section shall become effective only if it complies with and is  
188 subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
189 This section and chapter 536 are nonseverable and if any of the powers vested  
190 with the general assembly pursuant to chapter 536 to review, to delay the  
191 effective date or to disapprove and annul a rule are subsequently held  
192 unconstitutional, then the grant of rulemaking authority and any rule proposed or  
193 adopted after August 28, 2001, shall be invalid and void.]  
194

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,  
2 the director of revenue shall return the license to the operator immediately upon the termination  
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4           2. Any operator whose license is revoked pursuant to these sections, upon the  
5 termination of the period of revocation, shall apply for a new license in the manner prescribed  
6 by law.

7           3. (1) All circuit courts, the director of revenue, or a commissioner operating under  
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations  
9 granting limited driving privileges, **except as provided under subdivision (8) of this**  
10 **subsection.** Any application may be made in writing to the director of revenue and the person's  
11 reasons for requesting the limited driving privilege shall be made therein.

12           (2) When any court of record having jurisdiction or the director of revenue finds that an  
13 operator is required to operate a motor vehicle in connection with any of the following:

- 14           (a) A business, occupation, or employment;
- 15           (b) Seeking medical treatment for such operator;
- 16           (c) Attending school or other institution of higher education;
- 17           (d) Attending alcohol or drug treatment programs;
- 18           (e) Seeking the required services of a certified ignition interlock device provider; or
- 19           (f) Any other circumstance the court or director finds would create an undue hardship  
20 on the operator[;] ,

21  
22 the court or director may grant such limited driving privilege as the circumstances of the case  
23 justify if the court or director finds undue hardship would result to the individual, and while so  
24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege  
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26           (3) An operator may make application to the proper court in the county in which such  
27 operator resides or in the county in which is located the operator's principal place of business or  
28 employment. Any application for a limited driving privilege made to a circuit court shall name  
29 the director as a party defendant and shall be served upon the director prior to the grant of any  
30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as

31 certified by the director. Any applicant for a limited driving privilege shall have on file with the  
32 department of revenue proof of financial responsibility as required by chapter 303. Any  
33 application by a person who transports persons or property as classified in section 302.015 may  
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of  
35 financial responsibility does not accompany the application, or if the applicant does not have on  
36 file with the department of revenue proof of financial responsibility, the court or the director has  
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating  
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving  
39 privilege must state such restriction. When operating such vehicle under such restriction the  
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
42 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation  
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license  
44 denial under [paragraph (a) or (b) of] subdivision (8) of this subsection, or a license revocation  
45 under paragraph [(h)] (g) of subdivision (6) of this subsection, until the applicant has filed proof  
46 with the department of revenue that any motor vehicle operated by the person is equipped with  
47 a functioning, certified ignition interlock device as a required condition of limited driving  
48 privilege. The ignition interlock device required for obtaining a limited driving privilege under  
49 [paragraph (a) or (b) of] subdivision (8) of this subsection shall have photo identification  
50 technology and global positioning system features.

51 (5) The court order or the director's grant of the limited or restricted driving privilege  
52 shall indicate the termination date of the privilege, which shall be not later than the end of the  
53 period of suspension or revocation. The court order or the director's grant of the limited or  
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock  
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.  
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall  
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor  
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of  
59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited  
60 driving privilege while operating a motor vehicle. A conviction which results in the assessment  
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance  
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited  
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's  
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the  
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial  
66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,  
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall  
68 notify by ordinary mail the driver whose privilege is so terminated.

69 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to  
70 receive a limited driving privilege who at the time of application for a limited driving privilege  
71 has previously been granted such a privilege within the immediately preceding five years, or  
72 whose license has been suspended or revoked for the following reasons:

73 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar  
74 provision of any federal or state law, or a municipal or county law where the judge in such case  
75 was an attorney and the defendant was represented by or waived the right to an attorney in  
76 writing, until the person has completed the first thirty days of a suspension or revocation imposed  
77 pursuant to this chapter;

78 (b) A conviction of any felony in the commission of which a motor vehicle was used;

79 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),  
80 (6), (7), (8), (9), (10) or (11) of **subsection 1** of section 302.060;

81 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a  
82 controlled substance as defined in chapter 195, or having left the scene of an accident as  
83 provided in section 577.060;

84 (e) [Due to a revocation for the first time for failure to submit to a chemical test pursuant  
85 to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such  
86 person has not completed the first ninety days of such revocation;

87 (f)] Violation more than once of the provisions of section 577.041 or a similar implied  
88 consent law of any other state, **unless the person files proof of installation with the**  
89 **department of revenue that any vehicle operated by such person is equipped with a**  
90 **functioning, certified ignition interlock device immediately upon the person's license**  
91 **revocation, provided the person is not otherwise ineligible for a limited driving privilege;**

92 [(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has  
93 not completed the first thirty days of such suspension, provided the person is not otherwise  
94 ineligible for a limited driving privilege; or

95 [(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person  
96 has not completed the first forty-five days of such revocation, provided the person is not  
97 otherwise ineligible for a limited driving privilege.

98 (7) No person who possesses a commercial driver's license shall receive a limited driving  
99 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving  
100 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall  
101 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial  
102 motor vehicle provided that pursuant to the provisions of this section, the applicant is not  
103 otherwise ineligible for a limited driving privilege.

104 (8) [(a) Provided that pursuant to the provisions of this section, the applicant is not  
105 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the  
106 manner prescribed in this subsection, allow a person who has had such person's license to operate  
107 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,

108 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege  
109 pursuant to this subsection if such person has served at least forty-five days of such  
110 disqualification or revocation. Such person shall present evidence satisfactory to the court or the  
111 director that such person has not been convicted of any offense related to alcohol, controlled  
112 substances or drugs during the preceding forty-five days and that the person's habits and conduct  
113 show that the person no longer poses a threat to the public safety of this state.

114 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
115 ineligible for a limited driving privilege or convicted of involuntary manslaughter while  
116 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the  
117 manner prescribed in this subsection, allow a person who has had such person's license to operate  
118 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
119 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
120 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person  
121 has served at least forty-five days of such disqualification or revocation. Such person shall  
122 present evidence satisfactory to the court or the director that such person has not been convicted  
123 of any offense related to alcohol, controlled substances or drugs during the preceding forty-five  
124 days and that the person's habits and conduct show that the person no longer poses a threat to the  
125 public safety of this state. Any person who is denied a license permanently in this state because  
126 of an alcohol-related conviction subsequent to a restoration of such person's driving privileges  
127 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege  
128 pursuant to the provisions of this subdivision.

129 (9) **A circuit court shall grant a limited driving privilege to any individual who**  
130 **otherwise is eligible to receive a limited driving privilege, has filed proof of installation of**  
131 **a certified ignition interlock device and has had no alcohol-related enforcement contacts**  
132 **since the alcohol-related enforcement contact that resulted in the person's license**  
133 **suspension or revocation.**

134 (9) A DWI docket or court established under section 478.007 may grant a limited driving  
135 privilege to a participant in or graduate of the program who would otherwise be ineligible for  
136 such privilege under another provision of law. The DWI docket or court shall not grant a limited  
137 driving privilege to a participant during his or her initial forty-five days of participation.

138 4. Any person who has received notice of denial of a request of limited driving privilege  
139 by the director of revenue may make a request for a review of the director's determination in the  
140 circuit court of the county in which the person resides or the county in which is located the  
141 person's principal place of business or employment within thirty days of the date of mailing of  
142 the notice of denial. Such review shall be based upon the records of the department of revenue  
143 and other competent evidence and shall be limited to a review of whether the applicant was  
144 statutorily entitled to the limited driving privilege.

145 5. The director of revenue shall promulgate rules and regulations necessary to carry out  
146 the provisions of this section. Any rule or portion of a rule, as that term is defined in section



147 536.010, that is created under the authority delegated in this section shall become effective only  
148 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
149 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
150 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove  
151 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
152 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective fifteen days  
2 after the subject person has received the notice of suspension or revocation as provided in section  
3 302.520, or is deemed to have received the notice of suspension or revocation by mail as  
4 provided in section 302.515. If a request for a hearing is received by or postmarked to the  
5 department within that fifteen-day period, the effective date of the suspension or revocation shall  
6 be stayed until a final order is issued following the hearing; provided, that any delay in the  
7 hearing which is caused or requested by the subject person or counsel representing that person  
8 without good cause shown shall not result in a stay of the suspension or revocation during the  
9 period of delay.

10 2. The period of license suspension or revocation under this section shall be as follows:

11 (1) If the person's driving record shows no prior alcohol-related enforcement contacts  
12 during the immediately preceding five years, the period of suspension shall be thirty days after  
13 the effective date of suspension, followed by a sixty-day period of restricted driving privilege as  
14 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege  
15 shall not be issued until he or she has filed proof of financial responsibility with the department  
16 of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving  
17 privilege shall indicate whether a functioning, certified ignition interlock device is required as  
18 a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given  
19 to the person and such person shall carry a copy of the restricted driving privilege while  
20 operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this  
21 section or section 302.535 until the person has completed the first thirty days of a suspension  
22 under this section. If a person otherwise subject to the provisions of this subdivision files proof  
23 of installation with the department of revenue that any vehicle [operated] **that he or she**  
24 **operates** is equipped with a functioning, certified ignition interlock device, [then the] **there shall**  
25 **be no** period of suspension [shall be fifteen days, followed by a seventy-five] **. However, in lieu**  
26 **of a suspension the person shall instead complete a ninety-day** period of restricted driving  
27 privilege. Upon completion of such [seventy-five day] **ninety-day** period of restricted driving  
28 privilege, [upon] compliance with other requirements of law, and [upon] filing of proof of  
29 financial responsibility with the department of revenue, in accordance with chapter 303, the  
30 license and driving privilege shall be reinstated. However, if the monthly monitoring reports  
31 during such [seventy-five day] **ninety-day** period indicate that the ignition interlock device has  
32 registered a **confirmed** blood alcohol concentration level above the alcohol setpoint established  
33 by the department of transportation or such reports indicate that the ignition interlock device has

34 been tampered with or circumvented, then the license and driving privilege of such person shall  
35 not be reinstated until the person completes an additional [seventy-five day] **thirty-day** period  
36 of restricted driving privilege without any such violations. **Only one such additional thirty-day**  
37 **period of restricted driving privilege shall be granted.** If the person fails to maintain such  
38 proof of the device with the director of revenue as required, the restricted driving privilege shall  
39 be terminated;

40 (2) The period of revocation shall be one year if the person's driving record shows one  
41 or more prior alcohol-related enforcement contacts during the immediately preceding five years;

42 (3) In no case shall restricted driving privileges be issued under this section to any person  
43 whose driving record shows one or more prior alcohol-related enforcement contacts until the  
44 person has completed the first thirty days of a suspension under this section and has filed proof  
45 with the department of revenue that any motor vehicle operated by the person is equipped with  
46 a functioning, certified ignition interlock device as a required condition of the restricted driving  
47 privilege. If the person fails to maintain such proof the restricted driving privilege shall be  
48 terminated.

49 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any  
50 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation  
51 entered in this or any other state for a refusal to submit to chemical testing under an implied  
52 consent law, and any conviction in this or any other state for a violation which involves driving  
53 while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle  
54 while having an unlawful alcohol concentration.

55 4. Where a license is suspended or revoked under this section and the person is also  
56 convicted on charges arising out of the same occurrence for a violation of section 577.010 or  
57 577.012 or for a violation of any county or municipal ordinance prohibiting driving while  
58 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section  
59 and any other suspension or revocation arising from such convictions shall be imposed, but the  
60 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against  
61 any other suspension or revocation arising from such convictions, and the total period of  
62 suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

63 5. Any person who has had a license to operate a motor vehicle revoked under this  
64 section or suspended under this section with one or more prior alcohol-related enforcement  
65 contacts showing on their driver record shall be required to file proof with the director of revenue  
66 that any motor vehicle operated by that person is equipped with a functioning, certified ignition  
67 interlock device as a required condition of reinstatement. The ignition interlock device shall  
68 further be required to be maintained on all motor vehicles operated by the person for a period of  
69 not less than six months immediately following the date of reinstatement. If the monthly  
70 monitoring reports show that the ignition interlock device has registered any confirmed blood  
71 alcohol concentration readings above the alcohol setpoint established by the department of  
72 transportation or that the person has tampered with or circumvented the ignition interlock device,

73 then the period for which the person must maintain the ignition interlock device following the  
74 date of reinstatement shall be extended for an additional six months. If the person fails to  
75 maintain such proof with the director, the license shall be resuspended or revoked, as applicable.

2 [302.525. 1. The license suspension or revocation shall become effective  
3 fifteen days after the subject person has received the notice of suspension or  
4 revocation as provided in section 302.520, or is deemed to have received the  
5 notice of suspension or revocation by mail as provided in section 302.515.  
6 If a request for a hearing is received by or postmarked to the department within  
7 that fifteen-day period, the effective date of the suspension or revocation shall be  
8 stayed until a final order is issued following the hearing; provided, that any delay  
9 in the hearing which is caused or requested by the subject person or counsel  
10 representing that person without good cause shown shall not result in a stay of the  
11 suspension or revocation during the period of delay.

12 2. The period of license suspension or revocation under this section shall  
13 be as follows:

14 (1) If the person's driving record shows no prior alcohol-related  
15 enforcement contacts during the immediately preceding five years, the period of  
16 suspension shall be thirty days after the effective date of suspension, followed by  
17 a sixty-day period of restricted driving privilege as defined in section 302.010  
18 and issued by the director of revenue. The restricted driving privilege shall not  
19 be issued until he or she has filed proof of financial responsibility with the  
20 department of revenue, in accordance with chapter 303, and is otherwise eligible.  
21 In no case shall restricted driving privileges be issued pursuant to this section or  
22 section 302.535 until the person has completed the first thirty days of a  
23 suspension under this section;

24 (2) The period of revocation shall be one year if the person's driving  
25 record shows one or more prior alcohol-related enforcement contacts during the  
26 immediately preceding five years;

27 (3) In no case shall restricted driving privileges be issued under this  
28 section to any person whose driving record shows one or more prior  
29 alcohol-related enforcement contacts until the person has completed the first  
30 thirty days of a suspension under this section and has filed proof with the  
31 department of revenue that any motor vehicle operated by the person is equipped  
32 with a functioning, certified ignition interlock device as a required condition of  
33 the restricted driving privilege. If the person fails to maintain such proof the  
34 restricted driving privilege shall be terminated.

35 3. For purposes of this section, "alcohol-related enforcement contacts"  
36 shall include any suspension or revocation under sections 302.500 to 302.540,  
37 any suspension or revocation entered in this or any other state for a refusal to  
38 submit to chemical testing under an implied consent law, and any conviction in  
39 this or any other state for a violation which involves driving while intoxicated,  
40 driving while under the influence of drugs or alcohol, or driving a vehicle while  
41 having an unlawful alcohol concentration.

42 4. Where a license is suspended or revoked under this section and the  
43 person is also convicted on charges arising out of the same occurrence for a  
violation of section 577.010 or 577.012 or for a violation of any county or

municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked, as applicable.]

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the

25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of  
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of  
27 guilty and payment of a fine, all court costs which would have been collected by the court of the  
28 jurisdiction from which the violation originated.

29         4. If a person elects not to contest the alleged violation, the person shall send payment  
30 in the amount of the fine and any court costs established for the violation to the centralized  
31 bureau. Such payment shall be payable to the central violations bureau, shall be made by mail  
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,  
33 waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing  
34 any collateral consequence of a criminal conviction provided by law. By paying the fine and  
35 costs, the person also consents to attendance **either online or in person** at any  
36 driver-improvement program or motorcycle-rider training course ordered by the court and  
37 consents to verification of such attendance as directed by the bureau. Notwithstanding any  
38 provision of law to the contrary, the prosecutor shall not be required to sign any information,  
39 ticket or indictment if disposition is made pursuant to this subsection. In the event that any  
40 payment is made pursuant to this section by credit card or similar method, the centralized bureau  
41 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed  
42 on the recipient of the credit card payment by the credit card company.

43         5. If a person elects to plead not guilty, such person shall send the plea of not guilty to  
44 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor  
45 having original jurisdiction over the offense. Any trial shall be conducted at the location  
46 designated by the court. The clerk of the court in which the case is to be heard shall notify in  
47 writing such person of the date certain for the disposition of such charges. The prosecutor shall  
48 not be required to sign any information, ticket or indictment until the commencement of any  
49 proceeding by the prosecutor with respect to the notice of violation.

50         6. In courts adopting a schedule of fines pursuant to this section, any person receiving  
51 a notice of violation pursuant to this section shall also receive written notification of the  
52 following:

53         (1) The fine and court costs established pursuant to this section for the violation or  
54 information regarding how the person may obtain the amount of the fine and court costs for the  
55 violation;

56         (2) That the person must respond to the notice of violation by paying the prescribed fine  
57 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties  
58 prescribed by law may attach for failure to appear and dispose of the violation. The supreme  
59 court may modify the suggested forms for uniform complaint and summons for use in courts  
60 adopting the procedures provided by this section, in order to accommodate such required written  
61 notifications.

62         7. Any moneys received in payment of fines and court costs pursuant to this section shall  
63 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit

64 of those persons or entities entitled to receive such funds pursuant to this subsection. All  
65 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested  
66 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260  
67 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest  
68 earned on such fund shall be payable to the director of the department of revenue for deposit into  
69 a revolving fund to be established pursuant to this subsection. The state treasurer shall be the  
70 custodian of the revolving fund, and shall make disbursements, as allowed by lawful  
71 appropriations, only to the judicial branch of state government for goods and services related to  
72 the administration of the judicial system.

73         8. Any person who receives a notice of violation subject to this section who fails to  
74 dispose of such violation as provided by this section shall be guilty of failure to appear provided  
75 by section 544.665; and may be subject to suspension of driving privileges in the manner  
76 provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of  
77 any person who fails to either pay the prescribed fine and court costs, or plead not guilty and  
78 request a trial within the time allotted by this section, for purposes of application of section  
79 544.665. The centralized bureau shall also notify the department of revenue of any failure to  
80 appear subject to section 302.341, and the department shall thereupon suspend the license of the  
81 driver in the manner provided by section 302.341, as if notified by the court.

82         9. In addition to the remedies provided by subsection 8 of this section, the centralized  
83 bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the  
84 collection of court costs payable to courts, in order to collect fines and court costs for violations  
85 subject to this section.

577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision  
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to  
3 any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in  
4 a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012.  
5 The request of the officer shall include the reasons of the officer for requesting the person to  
6 submit to a test and also shall inform the person that evidence of refusal to take the test may be  
7 used against such person and that the person's license shall be **subject to a period of restricted**  
8 **driving privilege or** immediately revoked upon refusal to take the test. If a person when  
9 requested to submit to any test allowed pursuant to section 577.020 requests to speak to an  
10 attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney.  
11 If upon the completion of the twenty-minute period the person continues to refuse to submit to  
12 any test, it shall be deemed a refusal. In this event, **if the person's driving record shows no**  
13 **prior refusals to submit to a chemical test and such person files proof of installation with**  
14 **the department of revenue that any vehicle that he or she operates is equipped with a**  
15 **functioning certified ignition interlock device, there shall be no period of suspension.**  
16 **However, in lieu of a suspension, the person shall instead complete a ninety-day period of**  
17 **restricted driving privilege. Upon completion of such ninety-day period of restricted**

18 **driving privilege, upon compliance with other requirements of law, and upon filing of**  
19 **proof of financial responsibility with the department of revenue, in accordance with**  
20 **chapter 303, the license and driving privilege shall be reinstated. However, if the monthly**  
21 **monitoring reports during such ninety-day period indicate that the ignition interlock**  
22 **device has registered a confirmed blood alcohol concentration level above the alcohol**  
23 **setpoint established by the department of transportation or such reports indicate that the**  
24 **ignition interlock device has been tampered with or circumvented, the license and driving**  
25 **privilege of such person shall not be reinstated until the person completes an additional**  
26 **thirty-day period of restricted driving privilege without any such violations. Only one such**  
27 **additional thirty-day period of restricted driving privilege shall be granted. If the person**  
28 **fails to maintain such proof of the device with the director of revenue as required, the**  
29 **restricted driving privilege shall be terminated. If the person's driving record shows one**  
30 **or more prior refusals to submit to a chemical test, the officer shall, on behalf of the director**  
31 of revenue, serve the notice of license revocation personally upon the person and shall take  
32 possession of any license to operate a motor vehicle issued by this state which is held by that  
33 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which  
34 is valid for fifteen days and shall also give the person a notice of such person's right to file a  
35 petition for review to contest the license revocation.

36 2. The officer shall make a certified report under penalties of perjury for making a false  
37 statement to a public official. The report shall be forwarded to the director of revenue and shall  
38 include the following:

39 (1) That the officer has:

40 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle  
41 while in an intoxicated or drugged condition; or

42 (b) Reasonable grounds to believe that the person stopped, being under the age of  
43 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
44 of one percent or more by weight; or

45 (c) Reasonable grounds to believe that the person stopped, being under the age of  
46 twenty-one years, was committing a violation of the traffic laws of the state, or political  
47 subdivision of the state, and such officer has reasonable grounds to believe, after making such  
48 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

49 (2) That the person refused to submit to a chemical test;

50 (3) Whether the officer secured the license to operate a motor vehicle of the person;

51 (4) Whether the officer issued a fifteen-day temporary permit;

52 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice  
53 of the right to file a petition for review, which notices and permit may be combined in one  
54 document; and

55 (6) Any license to operate a motor vehicle which the officer has taken into possession.

56           3. Upon receipt of the officer's report, the director shall revoke the license of the person  
57 refusing to take the test for a period of one year; or if the person is a nonresident, such person's  
58 operating permit or privilege shall be revoked for one year; or if the person is a resident without  
59 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the  
60 person the issuance of a license or permit for a period of one year.

61           4. If a person's license has been revoked because of the person's refusal to submit to a  
62 chemical test, such person may petition for a hearing before a circuit division or associate  
63 division of the court in the county in which the arrest or stop occurred. The person may request  
64 such court to issue an order staying the revocation until such time as the petition for review can  
65 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form  
66 prescribed by the director of revenue and shall send a copy of such order to the director. Such  
67 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director  
68 shall maintain possession of the person's license to operate a motor vehicle until termination of  
69 any revocation pursuant to this section. Upon the person's request the clerk of the court shall  
70 notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on  
71 behalf of the director of revenue. At the hearing the court shall determine only:

72           (1) Whether or not the person was arrested or stopped;

73           (2) Whether or not the officer had:

74           (a) Reasonable grounds to believe that the person was driving a motor vehicle while in  
75 an intoxicated or drugged condition; or

76           (b) Reasonable grounds to believe that the person stopped, being under the age of  
77 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
78 of one percent or more by weight; or

79           (c) Reasonable grounds to believe that the person stopped, being under the age of  
80 twenty-one years, was committing a violation of the traffic laws of the state, or political  
81 subdivision of the state, and such officer had reasonable grounds to believe, after making such  
82 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

83           (3) Whether or not the person refused to submit to the test.

84           5. If the court determines any issue not to be in the affirmative, the court shall order the  
85 director to reinstate the license or permit to drive.

86           6. Requests for review as provided in this section shall go to the head of the docket of  
87 the court wherein filed.

88           7. No person who has had a license to operate a motor vehicle suspended or revoked  
89 pursuant to the provisions of this section shall have that license reinstated until such person has  
90 participated in and successfully completed a substance abuse traffic offender program defined  
91 in section 577.001, or a program determined to be comparable by the department of mental  
92 health or the court. Assignment recommendations, based upon the needs assessment as  
93 described in subdivision [(23)] **(24)** of section 302.010, shall be delivered in writing to the  
94 person with written notice that the person is entitled to have such assignment recommendations



reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

134           10. Any person who has had a license to operate a motor vehicle revoked more than once  
135 for violation of the provisions of this section shall be required to file proof with the director of  
136 revenue that any motor vehicle operated by the person is equipped with a functioning, certified  
137 ignition interlock device as a required condition of license reinstatement. Such ignition interlock  
138 device shall further be required to be maintained on all motor vehicles operated by the person  
139 for a period of not less than six months immediately following the date of reinstatement. If the  
140 person fails to maintain such proof with the director as required by this section, the license shall  
141 be rerevoked and the person shall be guilty of a class A misdemeanor.

142           11. The revocation period of any person whose license and driving privilege has been  
143 revoked under this section and who has filed proof of financial responsibility with the  
144 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
145 terminated by a notice from the director of revenue after one year from the effective date of the  
146 revocation. Unless proof of financial responsibility is filed with the department of revenue, the  
147 revocation shall remain in effect for a period of two years from its effective date. If the person  
148 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's  
149 license and driving privilege shall be rerevoked and the person shall be guilty of a class A  
150 misdemeanor.

          Section B. Because immediate action is necessary to ensure the safety of the citizens of  
2 this state, this act is deemed necessary for the immediate preservation of the public health,  
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of  
4 the constitution, and this act shall be in full force and effect July 1, 2013, or upon its passage and  
5 approval, whichever later occurs.

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